



## DIRECTOR'S COLUMN

*Henry L. Green*

At the May meeting of the State Construction Code Commission, Chairman Zylstra asked that the Bureau of Construction Codes continue its effort to audit local communities to determine the accuracy of the codes being administered as well as to assess whether local communities have in place inspection personnel and a construction board of appeals. This has been an on-going project of the Bureau; however, based on this request it will take a higher priority than some of the other work projects.

Staff will first correspond with communities who have reported that they are enforcing versions of a national code that is prior to 1990. We will then contact communities whose codes are not updated to the latest versions. In many cases, it will simply be a matter of filing a certified copy of an updated ordinance with the Bureau.

With regard to code adoption, a community has three options:

(1) A community may adopt a code by referencing a nationally recognized model code without amendment and filing a certified copy of the ordinance with the Commission. The referenced code should be the latest edition of the nationally recognized model code. With this option, an updated ordinance, would be required to be submitted to the Bureau every three years, which adopts the latest edition of the national code.

(2) A local community may elect to administer and enforce a nationally

(Turn to Director's Column on page 2)

## New Appointments

**Scott Fisher** has been appointed to the position of director of the bureau's Office of Local Government and Consumer Services. Mr. Fisher's duties include oversight of inspector registration, consumer complaints, performance evaluations, and ordinance review functions. Prior to his appointment to the new position, Scott headed up the bureau's Consumer Complaint and License Investigation Unit. Scott brings a strong background in the construction trades as well as over eight years experience working with local inspectors across the state in consumer complaint investigation and follow up.

**Rudy Perez** has been appointed to the position of chief of the bureau's Elevator Safety Division. Mr. Perez' duties include management and oversight of field inspectors charged with performing annual inspections of existing elevators and other elevating devices as well as inspections of new elevator installations. Rudy brings a wealth of expertise to the position with more than 30 years experience in the elevator industry. Prior to his appointment, Rudy served as a state elevator inspector for ten years.

## Ordinance Review

Code adoption ordinances must be submitted to the Bureau of Construction Codes for review. If there are amendments to the technical provisions of the code, we must apply the criteria for approval stated in section 8(1) of 1972 P.A. 230. The ordinance may not be approved if one or more of the following is found.

1. The provisions do not adequately protect the health, safety, or welfare of the people of the governmental subdivision.
2. The amendment tends to unnecessarily increase construction costs.
3. The amendment restricts the use of new materials, products, or methods of construction.
4. The amendment provides preferential treatment to types or classes of materials, products, or methods of construction.
5. The amendment obstructs the substantive uniformity of building codes within a region or locality in the state.

If this criteria is applied to the amendments as they are written the ordinance may be recommended for approval after the first review. It should also be noted that trade names and specific building materials shall not be used. The desired properties or end result is what must be defined. For example, instead of using the trade name "Drywall" use the term gypsum wallboard, or instead of requiring a concrete floor, designate a noncombustible durable floor. When trade names and specific materials are designated, preferential treatment is given to certain products, which is in violation of the act. When such items are identified, the ordinance can not be recommended for approval.

In addition, there are several things a unit of government can do that will speed up the review process. If the submission to the bureau only incorporated the specific subsections that are amended in lieu of the entire code section, the volume could be reduced. The review time would be further reduced if a summary is attached that states what and where the specific changes are. Finally, if documentation validating certain technical issues is included this will save time, as the information will not have to be requested.

As indicated previously, if these steps are followed it will speed up the ordinance review process. This translates into quicker approval by the Construction Code Commission. Your cooperation is greatly appreciated.

**Director's Column, continued:**

recognized model code and amend that code by filing the amendments with the Commission. Action by the Commission is required for the approval of amendments. Again, with this option, an updated ordinance, would be required to be submitted to the Bureau every three years, which adopts the latest edition of the national code. (See article in this issue regarding amendments to local codes.)

(3) A local community may assume responsibility for the administration and enforcement of the State Code(s). This is also accomplished by adoption of an ordinance. A sample ordinance is available from the Bureau. With this option, a community assuming responsibility for the State Code(s) is not required to update its ordinance as the adoption process at the state level accomplishes the updating.

Concerning inspection personnel, the audit will seek updated information on local inspection personnel.

Finally, we will be seeking information regarding local Construction Boards of Appeal, if one has not been appointed, a local community will be asked to do so.

All of the above information assists the Bureau in providing information to the public on local code administration activities and local contacts on questions concerning code issues or permits. In the construction industry, accurate and up-to-date information is of the utmost importance.

# BULLETIN

BUREAU OF  
CONSTRUCTION  
CODES

MICHIGAN DEPARTMENT OF  
CONSUMER AND  
INDUSTRY SERVICES

The BULLETIN is a quarterly publication of the Bureau of Construction Codes within the Michigan Department of Consumer & Industry Services. The BULLETIN is published for the information of the 46,000 plumbers, electricians, mechanical contractors, boiler and elevator licensees, plan reviewers, building officials, and inspector registrants throughout the state.

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## Boilers in Condominiums

The Attorney General issued Opinion No. 6939 on April 15, 1997, in response to the question:

Are boilers in condominium buildings having a capacity for six or more families exempt from annual boiler inspections under the Boiler Act of 1965?

This question arose out of discussion between officers of a condominium association and the Bureau of Construction Codes Boiler Division. The association questioned the applicability of the Boiler Act in private residences. They held that a condominium as by definition is a private residence.

Section 7 of the Boiler Act (PA 290 of 1965) provides, in part:

"This act shall not apply to:

- (d) Steam or vapor boilers... which are located in a private residence or in an apartment building with a capacity of less than 6 families...
- (e) Hot water boilers...located in a private residence or in an apartment building with a capacity of less than 6 families...

The association believed PA 290, 1965 exempted condominiums as the Condominium Act of 1978 classified each unit as a private residence. The condominium act actually states that each unit is a sole property under section 61.

The Opinion rendered by the Attorney General noted:

"It is my opinion, therefore, that boilers in condominium buildings having a capacity for six or more families are not exempt from annual boiler inspections under the Boiler Act of 1965, 1965 PA 290."

The Attorney General's opinion made several points in arriving at this conclusion.

- The boiler inspection exemption is based on population density rather than on various interests in real property.
- 1963 PA 229 regulated condominiums at the time the Boiler Act of 1965 was enacted. Sec.2(c) of PA 229 defined a condominium as "apartments"...
- In the enactment of the Boiler Act of 1965, it may be assumed that the Legislature knew that condominiums were, at that time, statutorily defined as apartments by 1963 PA 229.
- Given that legislative history and the language contained in the Boiler Act of 1965, it must be concluded that the Legislature intended to subject both multiple dwelling apartments and condominiums having the capacity to house six or more families to boiler inspection.

## Continuing Education for Inspectors

The Office of Local Government and Consumer Services was recently formed within the Bureau of Construction Codes. One of the many responsibilities of the staff assigned to this office is monitoring the continuing education programs for building officials, inspectors, and plan reviewers.

Continuing education for all registrants is required by PA 54 of 1986 and the rules for registration and reregistration of code officials. Failure to achieve the required number of educational hours will result in suspension of an individual's registration.

To keep this from happening, ask yourself these questions before attending any program:

1. Has a program number been assigned to this course?
2. Does the instructor have an instructor number?
3. What type and number of credit hours will I receive for this course?
4. Is the course approved for my registration category?

Having the answers to these questions will enable you to make the right decision when selecting educational programs.

If you have any questions regarding continuing education programs, please contact our office at (517) 241-9347.

## HIGH PRESSURE PIPING

The Boiler Act of 1965, P.A. 290 has jurisdiction over all low pressure boilers and high pressure boilers and piping located in Michigan. The only exception are those low pressure boilers located in a private residence or a multiple dwelling of less than 6 units.

In April of 1995 the boiler rules were amended. This amendment included a clarification of Rule 113 concerning high pressure piping. This rule was rewritten and made part of Rules 32 and 33.

Essentially, all steam, feedwater, condensate and blow down piping connected to a high pressure boiler (over 15psi steam) must be installed or repaired in accordance with the ASME B31.1 Power Piping Code and the Michigan Boiler Law and Rules. These requirements include being properly licensed through the Boiler Division to do piping installation or repairs, having qualified welding procedures on file with the Boiler Division, and applying for the appropriate permits when such work is done. Steam piping under this rule includes any steam piping where the pressure is over 15 psi.

A committee for the boiler rules has proposed a special license for those contractors who install and repair piping only and do not do any other boiler work. However, this is in the proposal stage only at this time. The committee is hoping to get this issue on the books by the end of 1998. However, until such time as this goes forward and becomes law, only those contractors who carry an appropriate license as a Boiler Installer or Repairer may install or repair high pressure piping connected to a boiler.

The Board of Boiler Rules has accepted a program developed by the United Association and the National Certified Pipe Welding Bureau for the qualification of welding procedures and welders. Licensees may avail themselves to those programs for the welding of Non Boiler External Piping (that piping beyond the boiler stop valves) provided they comply with the requirements of ASME B31.1 paragraph 127.5.3.

Copies of the Boiler Act of 1965 P.A. 290 may be requested by sending a check for \$6.00 made payable to the State of Michigan to CIS/BCC, Boiler Division, P.O. Box 30255, Lansing MI 48909. Questions may be directed to the Boiler Division at (517) 241-9334.

MEETING	DATE	TIME	PLACE
Board of Mechanical Rules	Sept. 2	9:00 a.m.	Okemos-Conf. Room 3
Construction Code Comm.	Sept. 9	9:30 a.m.	Okemos-Conf. Room 3
Board of Boiler Rules	Sept. 10	9:30 a.m.	Okemos-Conf. Room 1
Barrier Free Design Board	Sept. 11	9:30 a.m.	Okemos-Conf. Room 1
Elevator Safety Board	Sept. 18	10:00 a.m.	Okemos-Conf. Room 3
State Plumbing Board	Sept. 22	10:00 a.m.	Okemos-Conf. Room 2
Electrical Administrative Board	Oct. 16	9:00 a.m.	Okemos-Conf. Room 1
Board of Mechanical Rules	Oct. 28	9:00 a.m.	Okemos-Conf. Room 3
State Plumbing Board	Oct. 28	10:00 a.m.	Okemos-Conf. Room 2
Construction Code Comm.	Nov. 4	9:30 a.m.	Okemos-Conf. Room 3
Barrier Free Design Board	Nov. 13	9:30 a.m.	Okemos-Conf. Room 1
Elevator Safety Board	Nov. 20	10:00 a.m.	Okemos-Conf. Room 3

*Okemos = 2501 Woodlake Circle, 2nd floor, Okemos, MI*

## License Exam Schedule

EXAM	DATE	PLACE	DEADLINE
Electrical Exam	Oct. 14	Escanaba	Sept. 16
Elevator Journey Exam	Oct. 14	Okemos	Sept. 25
Elevator Contractor & Certificate-of-Competency Exam	Nov. 20	Okemos	Oct. 30
Boiler National Board Exam	Dec. 2	Okemos	Nov. 2
Plumbing Exam	Dec. 2	East Lansing	Nov. 13
Boiler Installer/Repairer Exam	Dec. 3	Okemos	Nov. 3
Electrical Exam	Dec. 9/10	Lansing	Nov. 6
Mechanical Exam	Dec. 15/16	Detroit	Nov. 25

\*Dates and locations are subject to change.

## Plumbing Business Requirements, Part II

The last Bureau newsletter clarified the responsibilities of the authorized master plumber in representing only one company. Further information stated that the master plumber shall be present and provide active supervision.

Additionally, it shall be understood that the "authorized master plumber" obtaining the permit has the financial and liability responsibilities for the work included in the scope of the permit. The work should be identified by a written contract between the owner or agent and the master plumber.

Licensing as established by the plumbing law and rules does not support the actions of licensed or unlicensed individuals installing plumbing and then having an "authorized master plumber" obtain a permit.

Questions related to plumbing licensing and obligations should be directed to the Plumbing Division, Chief Robert Konyndyk or Assistant Chief Emmett Kelly at (517) 241-9330.

## Automatic Sprinklers in Elevator Shafts and Elevator Machine Rooms

On June 2, 1998, the Elevator Safety Division and Office of Fire Safety met to discuss conflicting issues concerning placement of sprinklers in elevator shafts and machine rooms. The following policy was implemented as a result of this meeting.

In a fully sprinklered building under the jurisdiction of the Office of Fire Safety, a sidewall spray sprinkler shall be installed at the bottom of each elevator hoistway, not more than two feet above the floor of the pit in accordance with Section 4-13.5 of NFPA 13, 1996 edition. In the elevator machine room, automatic sprinklers of ordinary or intermediate temperature rating shall be provided. Each system shall have a readily accessible shut-off valve, that is electronically supervised, located outside the protected area.

## Licensing of Air Duct Cleaners

Are persons performing air duct cleaning service to HVAC systems required to be licensed pursuant to the Forbes Mechanical Contractors Act, PA 192 of 1984?

**Background:** Air duct and HVAC system cleaning have been performed for many years by mechanical contractors. However, now there are companies that specialize in air duct cleaning and in some cases, claim they do not perform services covered by the Forbes Mechanical Contractors Act.

Interviews were conducted with duct cleaners, mechanical service contractors, and a national association which certifies air duct cleaners. It is clear from the information obtained from these sources that air duct cleaners are performing other work such as removal and cleaning of blower assemblies, cleaning and treatment of condensate drain systems, removal and/or cleaning of burners and/or burner components, cleaning of heat exchanger and steam boilers, and water heaters, and in some instances the complete removal and reinstallation of a furnace and/or evaporator coil in order to access below grade counterflow duct systems such as those found in homes built on a slab.

Some duct cleaners are adding material to duct systems such as encapsulant for repairing loose or deteriorated duct lining, and sanitizing treatments, some of which actually require occupants to vacate the premises for a recommended duration to avoid concentrated exposure to the sanitizing agent. Some are performing indoor air quality assessment service.

**Conclusion:** Cleaning any component of a HVAC system is both maintenance and service, thus falling under the jurisdiction of the Act. If an individual elects to remove the registers and clean only from those openings, a license is not required. If an individual alters the duct by cutting and patching, a license is required with the ductwork (#3) classification. If an individual removes any portion of the furnace such as burner filters, a license is required with a limited heating (#5) classification.

## Code Update Information for Electrical Licensees

The Michigan Electrical Administrative Board voted, at their April 17, 1998, meeting to require all State licensed persons to complete a *1996 code update program for their 2000 license renewal*. This will affect all licensed journeyman and master electricians, fire alarm specialty technicians, and sign specialists who hold a license issued by the Bureau of Construction Codes, Department of Consumer and Industry Services.

Many code update classes are presently being offered on the 1996 code and some instructors have indicated incorrectly that the 1999 license renewal would be affected. Such courses will be accepted for your 2000 license. You will have to hold on to your completion certificate until that time. Additional information was recently mailed to all licensees that included a list of all approved classes. Do not wait until the last minute to take a class because you may not find readily available courses next year.

A limited number of correspondence courses have been approved and are so indicated on the recently mailed list of courses. The Board has implemented additional requirements for such courses that will require a written exam. Please check with course providers for specific information on their courses.

If you have already taken a 1996 code course you should have received a completion certificate that has a form number, BCC-806 (rev. 6/96), located in the lower left corner of the form. If you do not have the correct form or have lost your certificate, please contact your course provider for a replacement.

Questions regarding this article may be directed to the Electrical Division at (517) 241-9320.

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